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Attorneys for Federal Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

INDIGENOUS ENVIRONMENTAL
NETWORK, *et al.*,

Plaintiffs,

v.

PRESIDENT DONALD J. TRUMP, *et al.*,

Defendants,

and

TC ENERGY CORP., *et al.*

Defendant-Intervenors.

CV 19-28-GF-BMM

**DEFENDANTS' UNOPPOSED
MOTION TO EXTEND
SUMMARY JUDGMENT
BRIEFING SCHEDULE**

Pursuant to Fed. R. Civ. P. 6(b) and D. Mont. Local Civil Rule 7.1, Federal Defendants President Donald J. Trump *et al.* hereby move to extend the summary judgment briefing schedule. Defendants' opening summary judgment brief and Plaintiffs' opening summary judgment brief are scheduled to be filed on February 18, 2020. *See* February 3, 2020 Order at 2-3, ECF No. 84. Defendants request that the deadline for Defendants and Plaintiffs to file their opening briefs be extended by one week to February 25, 2020, and that the schedule proceed as follows:

Plaintiffs' Response to TC Energy's Summary Judgment Motion:	February 25, 2020
Plaintiffs' Motion for Summary Judgment:	February 25, 2020
Federal Defendants' Motion for Summary Judgment:	February 25, 2020
TC Energy's Reply to Plaintiffs' Response to TC Energy's Motion for Summary Judgment:	March 13, 2020
TC Energy's and Federal Defendants' Responses to Plaintiffs' Summary Judgment Motion:	March 13, 2020
Plaintiffs' Response to Federal Defendants' Motion for Summary Judgment:	March 13, 2020
Federal Defendants' Reply to Plaintiffs' Response to Federal Defendants' Motion for Summary Judgment:	March 27, 2020
Plaintiffs' Reply to TC Energy's and Federal Defendants' Responses to Plaintiffs' Motion for Summary Judgment:	March 27, 2020

The proposed schedule is the same as the one proposed by the Rosebud Sioux Tribe in the companion case, *see* Unopposed Motion for Extension to File and Respond to Motions for Summary Judgment, *Rosebud Sioux Tribe v. Trump*, No. 4:18-cv-118-BMM (Feb. 12, 2020), ECF No. 105, except that Defendants propose that Defendants' and Plaintiffs' reply deadline be extended to March 27, 2020, rather than March 23, 2020, because the Court recently continued the hearing in both cases from March 25, 2020 to April 16, 2020. *See* February 13, 2020 Order, ECF No. 88.

Defendants request this extension of the briefing schedule in order to allow sufficient time for review of their summary judgment brief by officials within the U.S. Department of Justice, the relevant agencies, and other officials within the Executive Branch. As the hearing has been reset for April 16, 2020, under the proposed schedule briefing will be completed well in advance of the hearing. Defendants' counsel has contacted counsel for Plaintiffs and counsel for Defendant-Intervenors, and no party opposes this request.

Accordingly, Defendants request that the summary judgment briefing schedule be extended as set forth above and in the attached proposed order.

Respectfully submitted this 13th day of February, 2020,

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(d)(2)(E), the foregoing brief is proportionately spaced, has a typeface of 14 points, and contains 397 words, excluding the tables, caption, signature, certificate of compliance, and certificate of service.

/s/ Luther L. Hajek
LUTHER L. HAJEK
U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2020, a copy of the foregoing Defendants' Unopposed Motion to Extend Summary Judgment Briefing Schedule was served on all counsel of record via the Court's CM/ECF system.

/s/ Luther L. Hajek
LUTHER L. HAJEK
U.S. Department of Justice